



NEWS

Federal Communications Commission
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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

For Immediate Release:
December 9, 2005

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COMMISSION INITIATES PROCEEDING TO IMPLEMENT THE JUNK FAX PREVENTION ACT

Delays January 9 Effective Date of Prior Written Permission Requirement

Washington, DC -- In response to the requirements of the Junk Fax Prevention Act, signed into law by President Bush on July 9, 2005, the Commission has proposed to amend its rules to implement Congress' mandate. It also delayed the effective date of the requirement that a sender of facsimile advertisements obtain prior written permission from the recipient, currently scheduled to go into effect January 9, 2006.

The Junk Fax Prevention Act requires the Commission to issue regulations to implement the Act's provisions no later than April 5, 2006. The Act: 1) codifies an established business relationship exemption to the prohibition on sending unsolicited facsimile advertisements; 2) provides a definition of an established business relationship to be used in the context of unsolicited facsimile advertisements; 3) requires the sender of a facsimile advertisement to provide specified notice and contact information on the facsimile that allows recipients to "opt-out" of any future facsimile transmissions from the sender; and 4) specifies the circumstances under which a request to "opt-out" complies with the Act. The Act also authorizes the Commission, after a period of three months from the date of enactment of the Act, to consider limits on the duration of an established business relationship.

The Commission seeks comment on how best to implement these requirements and update its rules accordingly.

The Commission opened CG Docket No. 05-338 for this proceeding. The existing docket, CG Docket No. 02-278, will remain open for filings on other issues relating to the Telephone Consumer Protection Act (TCPA).

Comments are due 30 days after publication in the Federal Register and replies are due 45 days after publication.

Action by the Commission, December 9, 2005, by Notice of Proposed Rulemaking (FCC 05-206). Chairman Martin, Commissioners Abernathy, Copps and Adelstein.

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CG Docket No. 02-278

CG Docket No. 05-338

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